

**U.S. Department of Justice**  
Office of Justice Programs  
Bureau of Justice Assistance



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The [U.S. Department of Justice](#) (DOJ), [Office of Justice Programs](#) (OJP), [Bureau of Justice Assistance](#) (BJA) is seeking applications for the John R. Justice (JRJ) Grant Program, which provides loan repayment assistance for local, state, and federal public defenders and local and state prosecutors who commit to continued employment as public defenders and prosecutors. This program furthers the Department's mission by enhancing the criminal justice system by assisting with the recruitment and retention of qualified public defenders and prosecutors.

## **John R. Justice (JRJ) FY 2017 Program Application Guidance Applications Due: September 5, 2017**

### **Eligibility**

Eligible applicants are agencies, as designated by the governor of the state or territory (or the mayor of Washington, D.C.), to serve as the JRJ-specific administering agency and to which BJA may award funds to serve eligible recipients working within the respective state's, territory's, or District's jurisdiction.

### **Deadline**

Applicants must register in the [OJP Grants Management System \(GMS\)](#) prior to submitting an application for this funding opportunity. Registration is required for all applicants, even those previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are **due by 8:00 p.m. eastern time on September 5, 2017.**

For additional information, see How to Apply in Section D. Application and Submission Information.

### **Contact Information**

For technical assistance with submitting the application, call the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to [GMSHelpDesk@usdoj.gov](mailto:GMSHelpDesk@usdoj.gov). The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to midnight eastern time, except federal holidays.

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must email the BJA contact identified below **within 24 hours after the application deadline** and request approval to submit their

application. Additional information on reporting technical issues is found under "[Experiencing Unforeseen GMS Technical Issues](#)" in the [How to Apply](#) section.

For assistance with any other requirements of this solicitation, contact Antonio Tovar, BJA State Policy Advisor, by telephone at 202-514-8267, or by e-mail at [Antonio.Tovar@usdoj.gov](mailto:Antonio.Tovar@usdoj.gov).

Release date: August 15, 2017

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# John R. Justice (JRJ) FY 2017 Program Application Guidance (CFDA #16.816)

## A. Program Description

### Overview

The John R. Justice Prosecutors and Defenders Incentive Act (hereinafter referred to as the “Act”), codified at 42 U.S.C. §3797cc-21, and named for the late John Reid Justice of South Carolina, was enacted to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service. The JRJ Grant Program (also referred to as the John R. Justice Student Loan Repayment Program or JRJSLRP) provides loan repayment assistance for local, state, and federal public defenders and local and state prosecutors who commit to continued employment as public defenders and prosecutors.

**Statutory Authority:** 42 U.S.C. §3797cc-21

### Program-Specific Information

One pressing challenge facing our criminal justice system today is the recruitment and retention of qualified prosecutors and public defenders, who serve every day to ensure that our communities are protected, the rule of law is upheld, and the rights of the citizenry are safeguarded. Both prosecutor and public defender offices consistently find it difficult to attract and retain talented attorneys. Driven by educational debt, attorneys interested in public interest law often forego opportunities to work in these offices in order to seek more lucrative private sector positions. Attorney shortages in these offices can result in overworked attorneys handling unmanageable caseloads, potentially affecting public safety, the administration of justice, and ultimately the public’s confidence in our justice system.

Student loan debt is consistently cited as the overwhelming reason why many attorneys decline or leave positions as prosecutors and public defenders. The vast majority of law students borrow to finance their legal education and the rising costs have imposed staggering debt. Furthermore, public defender and prosecutor salaries have failed to keep pace with the escalating cost of education. As a result, talented lawyers who would otherwise consider a career in this critical public service are often unwilling to accept or remain in attorney positions as prosecutors or public defenders, creating real challenges for those offices in their quest to hire and retain capable attorneys.

For each state and territory that is eligible to apply for funding under the JRJ Competitive Grant Program, BJA will make a limited number of awards among agencies designated by the governor of those states or territories (or in the case of the District of Columbia, by the mayor) to administer the JRJ Competitive Grant Program within the state or territory. These governor-designated agencies shall establish and maintain a statewide JRJ Grant Program consistent with the guidance contained in this document and the Act.

### Goals, Objectives, and Deliverables

The goal of the JRJ Competitive Grant Program is to attract and retain qualified local, state, and federal public defenders and local and state prosecutors who commit to continued employment as public defenders and prosecutors.

The Goals, Objectives and Deliverables are directly related to the performance measures set out in the table in [Section D. Application and Submission Information](#), under "Program Narrative."

## **B. Federal Award Information**

The Bureau of Justice Statistics has calculated a minimum base allocation for each state, territory, and the District of Columbia. This minimum base allocation will then be enhanced by an amount proportional to that state's or territory's share of the national population. BJA reserves the right to reallocate unrequested funding in any fiscal year for use by participating states and to reduce future awards by amounts unexpended from prior year, all based upon such reasonable formulae as is necessary to extend accessibility to program funding.

Agencies designated by the governor of a state or territory, including the Mayor of the District of Columbia, to administer the JRJ funding are eligible for the state allocation determined by the allocation process described above. Awards will be for one year.

All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

### **Type of Award**

BJA expects that any award under this solicitation will be made in the form of a grant. See [Administrative, National Policy, and Other Legal Requirements](#), under [Section F. Federal Award Administration Information](#), for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

### **Financial Management and System of Internal Controls**

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities<sup>1</sup>) must, as described in the Part 200 Uniform Requirements<sup>2</sup> as set out at 2 C.F.R. 200.303:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that [the recipient (and any subrecipient)] is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

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<sup>1</sup> For purposes of this solicitation, the phrase "pass-through entity" includes any recipient or subrecipient that provides a subaward ("subgrant") to a subrecipient ("subgrantee") to carry out part of the funded award or program.

<sup>2</sup> The "Part 200 Uniform Requirements" means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

- (c) Evaluate and monitor [the recipient's (and any subrecipient's)] compliance with statutes, regulations, and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or [the recipient (or any subrecipient)] considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

To help ensure that applicants understand applicable administrative requirements and cost principles, OJP encourages prospective applicants to enroll, at no charge, in the DOJ Grants Financial Management Online Training, available [here](#).

### **Budget Information**

The governor-designated JRJ agency may **not allocate more than** 10 percent of the state award for costs associated with administering the program within the state or territory.

### **Cost Sharing or Match Requirement**

This program does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

### **Pre-Agreement Costs (also known as Pre-award Costs)**

Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the federal award.

OJP does **not** typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs *before* submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for OJP to consider approving pre-agreement costs, the applicant may contact the point of contact listed on the title page of this solicitation for the requirements concerning written requests for approval. If approved in advance by OJP, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the [DOJ Grants Financial Guide](#) for more information.

### **Costs Associated with Language Assistance (if applicable)**

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services, where appropriate.

For additional information, see the "Civil Rights Compliance" section under "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" in the [OJP Funding Resource Center](#).

## C. Eligibility Information

For eligibility information, see the title page.

For information on cost sharing or match requirements, see [Section B. Federal Award Information](#).

## D. Application and Submission Information

### What an Application Should Include

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all of the specified elements, it may negatively affect the review of its application; and, should a decision be made to make an award, it may result in the inclusion of award conditions that preclude the recipient from accessing or using award funds until the recipient satisfies the conditions and OJP makes the funds available.

Moreover, an applicant should anticipate that an application that OJP determines is nonresponsive to the scope of the solicitation, or that OJP determines does not include the application elements that BJA has designated to be critical, will neither proceed to peer review, nor receive further consideration. For this solicitation, BJA has designated the following application elements as critical: Program Narrative, Budget Detail Worksheet, Budget Narrative, and Designated Agency Representative Letter. An applicant may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain **both** narrative and detail information. Please review the “Note on File Names and File Types” under [How to Apply](#) (below) to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., “Program Narrative,” “Budget Detail Worksheet and Budget Narrative,” “Timelines,” “Memoranda of Understanding,” “Résumés”) for all attachments. Also, OJP recommends that applicants include résumés in a single file.

Grant recipients are required to comply with the information in [Appendix A: Guidance on State Implementation of the JRJ Program](#).

### 1. Information to Complete the Application for Federal Assistance (SF- 424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and the OJP Grants Management System (GMS) take information from the applicant’s profile to populate the fields on this form. When selecting “type of applicant,” if the applicant is a for-profit entity, select “For-Profit Organization” or “Small Business” (as applicable).

To avoid processing delays, an applicant must include an accurate legal name on its SF-424. Current OJP award recipients, when completing the field for “Legal Name,” should use the same legal name that appears on the prior year award document, which is also the legal name stored in OJP’s financial system. On the SF-424, enter the Legal Name in box 5 and Employer Identification Number (EIN) in box 6 exactly as it appears on the prior year award document. An applicant with a current, active award(s) must ensure that its GMS profile is

current. If the profile is not current, the applicant should submit a Grant Adjustment Notice updating the information on its GMS profile prior to applying under this solicitation.

A new applicant entity should enter the Official Legal Name and address of the applicant entity in box 5 and the EIN in box 6 of the SF-424. An applicant must attach official legal documents to its applications (e.g., articles of incorporation, 501C3, etc.) to confirm the legal name, address, and EIN entered into the SF-424.

**Intergovernmental Review:** This solicitation ("funding opportunity") **is not** subject to [Executive Order 12372](#). (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the "Program is not covered by E.O. 12372.")

## 2. Project Abstract

Applicants should provide an abstract that includes the applicant's name, goals of the program, and a description of the strategy to be used. The abstract should also list the total number of prosecutors, public defenders, and federal public defenders employed in the state prior to the availability of JRJ funds along with the current number employed for each.

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be—

- Written for a general public audience
- Submitted as a separate attachment with "Project Abstract" as part of its file name
- Single-spaced, using a standard 12-point font (such as Times New Roman) with 1-inch margins.

As a separate attachment, the project abstract will **not** count against the page limit for the program narrative.

All project abstracts should follow the detailed template available at [ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf](http://ojp.gov/funding/Apply/Resources/ProjectAbstractTemplate.pdf).

## 3. Program Narrative

Applicants must submit a program narrative that generally describes the proposed program activities for the 1-year grant period. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with not less than 1-inch margins, and must not exceed 15 pages. Number pages "1 of 15," "2 of 15," etc.

The narrative must include:

- 1) Statement of the Problem/Demonstrated Need
  - a) Successful applicants must demonstrate need for this program and detail the challenges to attracting and retaining qualified prosecutors and public defenders within the state or territory. Applicants may include data-driven assessments of average docket caseloads, turnover rates, and/or average student debt-to-salary ratio for prosecutor and public defender positions within the state or territory.
  - b) Describe whether prosecutor or public defender offices or their equivalent are understaffed within the state or territory.

- c) List the total number of eligible prosecutors, public defenders, and federal public defenders employed in the state/territory versus the total number eligible, including filled and unfilled positions/vacancies, within the state or territory.
- 2) Project Design and Implementation
- a) Outreach Plan
    - i) Applicants must submit a plan outlining their outreach strategy for prospective eligible beneficiaries (including current and continuing beneficiaries) in their state. This plan must reflect an equal emphasis on outreach to both prosecutors and public defenders (including federal public defenders). In conducting outreach, BJA encourages agencies that administer JRJ Grant Programs to publicize the availability of the Income-Based Repayment (IBR) plan, Public Service Loan Forgiveness (PSLF), and other available loan repayment assistance programs (LRAPs) that may apply.
  - b) Program Plan Overview
    - i) Applicants must provide a brief overview to explain how beneficiaries will apply for loan repayment, how decisions will be made as to eligibility and awards, and how data will be collected and assessed for performance measure evaluation. This overview should include details about:
      - (1) Evaluation criteria used to determine applicant eligibility and least ability to repay.
      - (2) General grant application process.
      - (3) Technical application process (i.e., how prospective beneficiaries will submit their application).
      - (4) Attachments that prospective beneficiaries will be required to submit with their applications (e.g., loan documents, debt obligation data, proof of employment, income verification, transcripts, job evaluations, etc.).
      - (5) Proposed process and schedule for distributing JRJ student loan repayments.
      - (6) Proposed process and method for awarding additional JRJ benefits on behalf of individuals who have already completed the initial 3-year term of service of their original JRJSLRP Service Agreement and would like to apply for additional benefits in exchange for additional terms of service.
      - (7) Projected number of JRJ beneficiaries and average award amount.
      - (8) Describe plan to verify continued employment and that JRJ beneficiaries fulfill their JRJ service agreements.
  - c) Compliance with Statutory Requirements
    - i) Applications must address a JRJ agency's plan to comply with the statutory requirement that priority consideration be given to those with "the least ability to repay" their loans. Applicants may use their own discretion in identifying a methodology that best identifies a person's ability to repay their loans; however, at a minimum, this plan must include an assessment of the following:
      - (1) The beneficiary's total educational debt. (The beneficiary's total educational debt, not just monthly student loan payments, should be considered.)
      - (2) The beneficiary's gross or net income; or, if married, household gross or net income.
      - (3) An adjustment for the cost of living.
    - ii) Applicants may also wish to give consideration to additional factors in identifying those potential beneficiaries who have "the least ability to repay" their loans, such as:
      - (1) The ratio of the beneficiary's total education debt to total assets.
      - (2) Number of dependents claimed by the beneficiary.

- (3) The beneficiary's non-educational debt financial obligations.
- d) Distribution of Funding
  - i) The application must include a statutory compliance plan that addresses:
    - (1) The JRJ agency's plan to consider a fair distribution of funding based on geography and population density. Applications should ensure that funding is not isolated or heavily concentrated in any particular metropolitan area or geographic section of the state or territory.
    - (2) How much of the current award will be used to meet the statutory requirement found in 42 U.S.C. §3797cc-21(f)(2), which provides that priority be given to those individuals who: (a) have received repayment benefits in the prior fiscal year (FY 2015) and (b) who have completed less than three years of their initial JRJSLRP Service Agreement.
    - (3) Applicants should also discuss the schedule for student loan repayments (i.e., monthly distribution versus one lump sum) and how such schedule will better coordinate with other existing loan forgiveness programs.
- 3) Capabilities and Competencies
  - a) Describe the JRJ state administering agency's capacity to manage and track tuition reimbursement or student loan repayments.
  - b) Briefly describe the JRJ state administering agency's experience with similar payment/repayment programs.
  - c) Please identify any previous or current obstacles to implementing the JRJ program that the state or territory has experienced and identify how these obstacles will be resolved with this new round of competitive funding.
- 4) Plan for Collecting the Data required for this Solicitation's Performance Measures
  - a) Proposed methods for collecting data for performance measure evaluation.
  - b) Plan for verifying, on an annual basis, continued employment eligibility and satisfaction of required service terms as well as tracking and reporting the status of all beneficiaries and reporting such information to BJA.
- 5) Budget
  - a) Budgets are to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures. Budget narratives should demonstrate cost effectiveness in relation to potential alternatives and the goals of the project.<sup>3</sup>

OJP will require each successful applicant to submit specific performance measures data as part of its reporting under the award (see "[General Information about Post-Federal Award Reporting Requirements](#)" in [Section F. Federal Award Administration Information](#)). The performance measures correlate to the goals, objectives, and deliverables identified under "Goals, Objectives, and Deliverables" in [Section A. Program Description](#).

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<sup>3</sup> Generally speaking, a reasonable cost is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs.

Award recipients will be required to provide the relevant data by submitting quarterly performance metrics through BJA’s online Performance Measurement Tool (PMT) located at <https://bjapmt.ojp.gov>. The referenced measures are examples of some of the core performance measures for the John R. Justice Grant Program, but applicants should examine the complete list at <https://bjapmt.ojp.gov/help/JRJgrid.pdf>.

The application should describe the applicant's plan for collection of all of the performance measures data listed in the table below under “Data Recipient Provides,” should it receive funding.

Objective	Catalog ID	Performance Measure	Data Recipient Provides
To encourage qualified individuals to enter and continue employment as prosecutors and public defenders.	666	Number of eligible JRJ program applicants	Total number of applicants during the reporting period  Total number of eligible applicants (unique count) as of the reporting period, including the number who are prosecutors, state or local public defenders, and federal public defenders
	499	Percentage of JRJ program applicants selected to receive loan repayments, based on the least ability to repay	Total number of prosecutors selected to receive loan repayments during the reporting period, based on the least ability to repay  Total number of state or local public defenders selected to receive loan repayments during the reporting period, based on the least ability to repay  Total number of federal public defenders selected to receive loan repayments during the reporting period, based on the least ability to repay
	499	Number of previous JRJ recipients selected under priority consideration	Total number of previous JRJ recipients selected under priority consideration

	186	Number of JRJ recipients recruited or retained	<p>Total number of JRJ recipients who received JRJ benefits within the first year of being hired</p> <p>Total number of JRJ prosecutors who received JRJ benefits within the first year of being hired</p> <p>Total number of JRJ public defenders who received JRJ benefits within the first year of being hired</p> <p>Total number of JRJ federal public defenders who received JRJ benefits within the first year of being hired</p>
	186	Number of JRJ recipients who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years	<p>Total number of JRJ recipients who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ prosecutors who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ public defenders who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p> <p>Total number of JRJ federal public defenders who have received 3 years of consecutive JRJ benefits or have been retained for at least 3 years</p>

	188	Number of JRJ recipients who have exited the program without completion	<p>Total number of JRJ recipients who have exited the program without completion</p> <p>Total number of JRJ prosecutors who have exited the program without completion</p> <p>Total number of JRJ public defenders who have exited the program without completion</p> <p>Total number of JRJ federal public defenders who have exited the program without completion</p>
	142	Dollar amount of loan repayments awarded	<p>Total dollar amount awarded to prosecutors during the reporting period</p> <p>Total dollar amount awarded to state or local public defenders during the reporting period</p> <p>Total dollar amount awarded to federal public defenders during the reporting period</p>
	142	Dollar amount of loan repayments distributed	<p>Total dollar amount distributed to prosecutors during the reporting period</p> <p>Total dollar amount distributed to state or local public defenders during the reporting period</p> <p>Total dollar amount distributed to federal public defenders during the reporting period</p>

	25	Length of time between initial outreach to eligible applicants and the opening of the JRJ loan repayment application period	Number of days between initial outreach to eligible applicants and the opening of the JRJ application period  Type of outreach conducted
	181	Number of days the application period remained open for applicants	The dates the application period opened, scheduled close date, and actual closed date
	181	Number of days between the close of the application period and the repayment of loans.	Date of the first payment made to a loan company

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

**Note on Project Evaluations**

An applicant that proposes to use award funds through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements, likely do not constitute “research.” Each applicant should provide sufficient information for OJP to determine whether the particular project it proposes would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ definition of research that appears at 28 C.F.R. Part 46 (“Protection of Human Subjects”).

Research, for purposes of human subjects protection for OJP-funded programs, is defined as “a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.” 28 C.F.R. 46.102(d).

For additional information on determining whether a proposed activity would constitute research for purposes of human subjects protection, applicants should consult the decision tree in the “Research and the protection of human subjects” section of the [“Requirements related to Research”](#) web page of the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017,”](#) available through the [OJP Funding Resource Center](#). Every prospective applicant whose application may propose a research or statistical

component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

#### **4. Designated Agency Representative Letter**

Applicants must include a copy of the most recent letter from the governor of the state, territory, or the mayor of the District of Columbia (or person expressly designated by the governor or mayor) designating a JRJ agency to administer these funds as an attachment. While the most recent copy must be provided, a new Designated Agency Representative Letter is only required if there is a change in the designated agency.

#### **5. Budget Detail Worksheet and Budget Narrative**

Applicants must submit a Budget Detail Worksheet and budget narrative outlining how JRJ funds, including administrative funds, if applicable, will be used to support and/or implement the program. The governor-designated JRJ agency may use up to 10 percent of the state award for costs associated with administering the program within the state or territory. Among the administrative costs that would be considered are costs incurred in producing outreach materials (e.g., marketing materials, websites, brochures, briefings, surveys, and analyses to measure the impact of the program).

##### **a. Budget Detail Worksheet**

A sample Budget Detail Worksheet can be found at [www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf](http://www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf). An applicant that submits its budget in a different format should use the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should break out costs by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at [DOJ Grants Financial Guide](#).

##### **b. Budget Narrative**

The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

An applicant should demonstrate in its budget narrative how it will maximize cost effectiveness of award expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The budget narrative should be mathematically sound and correspond clearly with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how those costs are necessary to the completion of the proposed project. The narrative may include tables for clarification purposes, but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the budget narrative should describe costs by year.

##### **c. Information on Proposed Subawards (if any), as well as on Proposed Procurement Contracts (if any)**

Applicants for OJP awards typically may propose to make "subawards." Applicants also may propose to enter into procurement "contracts" under the award.

Whether – for purposes of federal grants administrative requirements – a particular agreement between a recipient and a third party will be considered a "subaward" or instead considered a procurement "contract" under the award is determined by federal rules and applicable OJP guidance. It is an important distinction, in part because the federal administrative rules and requirements that apply to "subawards" and to procurement "contracts" under awards differ markedly.

In general, the central question is the relationship between what the third-party will do under its agreement with the recipient and what the recipient has committed (to OJP) to do under its award to further a public purpose (e.g., services the recipient will provide, products it will develop or modify, research or evaluation it will conduct). If a third party will provide some of the services the recipient has committed (to OJP) to provide, will develop or modify all or part of a product the recipient has committed (to OJP) to develop or modify, or will conduct part of the research or evaluation the recipient has committed (to OJP) to conduct, OJP will consider the agreement with the third party a subaward for purposes of federal grants administrative requirements.

This will be true **even if** the recipient, for internal or other non-federal purposes, labels or treats its agreement as a procurement, a contract, or a procurement contract. Neither the title nor the structure of an agreement determines whether the agreement – for purposes of federal grants administrative requirements – is a "subaward" or is instead a procurement "contract" under an award.

Additional guidance on the circumstances under which (for purposes of federal grants administrative requirements) an agreement constitutes a subaward as opposed to a procurement contract under an award is available (along with other resources) on the [OJP Part 200 Uniform Requirements](#) web page.

## **1. Information on proposed subawards**

A recipient of an OJP award may not make subawards ("subgrants") unless the recipient has specific federal authorization to do so. Unless an applicable statute or DOJ regulation specifically authorizes (or requires) subawards, a recipient must have authorization from OJP before it may make a subaward.

A particular subaward may be authorized by OJP because the recipient included a sufficiently detailed description and justification of the proposed subaward in the application as approved by OJP. If, however, a particular subaward is not authorized by federal statute or regulation, and is not sufficiently described and justified in the application as approved by OJP, the recipient will be required, post-award, to request and obtain written authorization from OJP before it may make the subaward.

If an applicant proposes to make one or more subawards to carry out the federal award and program, the applicant should: (1) identify (if known) the proposed subrecipient(s), (2) describe in detail what each subrecipient will do to carry out the federal award and federal program, and (3) provide a justification for the subaward(s), with details on pertinent matters such as special qualifications and areas of expertise. Pertinent

information on subawards should appear not only in the Program Narrative, but also in the Budget Detail Worksheet and budget narrative.

## **2. Information on proposed procurement contracts (with specific justification for proposed noncompetitive contracts over \$150,000)**

Unlike a recipient contemplating a subaward, a recipient of an OJP award generally does not need specific prior federal authorization to enter into an agreement that – for purposes of federal grants administrative requirements – is considered a procurement contract, **provided that** (1) the recipient uses its own documented procurement procedures and (2) those procedures conform to applicable federal law, including the Procurement Standards of the (DOJ) Part 200 Uniform Requirements (as set out at 2 C.F.R. 200.317 - 200.326). The Budget Detail Worksheet and budget narrative should identify proposed procurement contracts. (As discussed above, subawards must be identified and described separately from procurement contracts.)

The Procurement Standards in the Part 200 Uniform Requirements, however, reflect a general expectation that agreements that (for purposes of federal grants administrative requirements) constitute procurement “contracts” under awards will be entered into on the basis of full and open competition. If a proposed procurement contract would exceed the simplified acquisition threshold – currently, \$150,000 – a recipient of an OJP award may not proceed without competition unless and until the recipient receives specific advance authorization from OJP to use a non-competitive approach for the procurement.

An applicant that (at the time of its application) intends – without competition – to enter into a procurement “contract” that would exceed \$150,000 should include a detailed justification that explains to OJP why, in the particular circumstances, it is appropriate to proceed without competition. Various considerations that may be pertinent to the justification are outlined in the [DOJ Grants Financial Guide](#).

### **d. Pre-Agreement Costs**

For information on pre-agreement costs, see [Section B. Federal Award Information](#).

## **6. Indirect Cost Rate Agreement (if applicable)**

Indirect costs may be charged to an award only if:

- (a) The recipient has a current (that is, unexpired), federally-approved indirect cost rate;  
or
- (b) The recipient is eligible to use, and elects to use, the “de minimis” indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 C.F.R. 200.414(f).

An applicant with a current (that is, unexpired) federally-approved indirect cost rate is to attach a copy of the indirect cost rate agreement to the application. An applicant that does not have a current federally-approved rate may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity, or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories.

For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the OCFO Customer Service Center at 1-800-458-0786 or at

[ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov). If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at <http://www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf>.

Certain OJP recipients have the option of electing to use the “de minimis” indirect cost rate. An applicant that is eligible to use the “de minimis” rate that wishes to use the “de minimis” rate should attach written documentation to the application that advises OJP of both (1) the applicant’s eligibility to use the “de minimis” rate, and (2) its election to do so. If an eligible applicant elects the “de minimis” rate, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. The “de minimis” rate may no longer be used once an approved federally-negotiated indirect cost rate is in place. (No entity that ever has had a federally-approved negotiated indirect cost rate is eligible to use the “de minimis” rate.)

## **7. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high-risk status)**

**Every** applicant (other than an individual applying in his/her personal capacity) is to download, complete, and submit the [OJP Financial Management and System of Internal Controls Questionnaire](#) as part of its application.

Among other things, the form requires each applicant to disclose whether it currently is designated “high risk” by a federal grant-making agency outside of DOJ. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the applicant’s past performance, or other programmatic or financial concerns with the applicant. If an applicant is designated high risk by another federal awarding agency, the applicant must provide the following information:

- The federal awarding agency that currently designates the applicant high risk
- The date the applicant was designated high risk
- The high-risk point of contact at that federal awarding agency (name, phone number, and email address)
- The reasons for the high-risk status, as set out by the federal awarding agency

OJP seeks this information to help ensure appropriate federal oversight of OJP awards. An applicant that is considered “high-risk” by another federal awarding agency is not automatically disqualified from receiving an OJP award. OJP may, however, consider the information in award decisions, and may impose additional OJP oversight of any award under this solicitation (including through the conditions that accompany the award document).

## **8. Disclosure of Lobbying Activities**

Each applicant must complete and submit this information. An applicant that expends any funds for lobbying activities is to provide all of the information requested on the form [Disclosure of Lobbying Activities \(SF-LLL\)](#). An applicant that does not expend any funds for lobbying activities is to enter “N/A” in the text boxes for item 10 (“a. Name and Address of Lobbying Registrant” and “b. Individuals Performing Services”).

**9. Additional Attachments**

**a. Applicant Disclosure of Pending Applications**

Each applicant is to disclose whether it has (or is proposed as a subrecipient under) any pending applications for federally-funded grants or cooperative agreements that (1) include requests for funding to support the same project being proposed in the application under this solicitation, and (2) would cover any identical cost items outlined in the budget submitted to OJP as part of the application under this solicitation. The applicant is to disclose applications made directly to federal awarding agencies, and also applications for subawards of federal funds (e.g., applications to State agencies that will subaward (“subgrant”) federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Each applicant that has one or more pending applications as described above is to provide the following information about pending applications submitted within the last 12 months:

- The federal or State funding agency
- The solicitation name/project name
- The point of contact information at the applicable federal or State funding agency

<b>Federal or State Funding Agency</b>	<b>Solicitation Name/Project Name</b>	<b>Name/Phone/Email for Point of Contact at Federal or State Funding Agency</b>
DOJ/Office of Community Oriented Policing Services	COPS Hiring Program	Jane Doe, 202/000-0000; jane.doe@usdoj.gov
Health & Human Services/ Substance Abuse and Mental Health Services Administration	Drug-Free Communities Mentoring Program/North County Youth Mentoring Program	John Doe, 202/000-0000; john.doe@hhs.gov

Each applicant should include the table as a separate attachment to its application. The file should be named “Disclosure of Pending Applications.” The applicant Legal Name on the application must match the entity named on the disclosure of pending applications statement.

Any applicant that does not have any pending applications as described above is to submit, as a separate attachment, a statement to this effect: “[Applicant Name on SF-

424] does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally-funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application.”

**b. Disclosure of Process Related to Executive Compensation**

An applicant that is a nonprofit organization may be required to make certain disclosures relating to the processes it uses to determine the compensation of its officers, directors, trustees, and key employees.

Under certain circumstances, a nonprofit organization that provides unreasonably high compensation to certain persons may subject both the organization’s managers and those who receive the compensation to additional federal taxes. A rebuttable presumption of the reasonableness of a nonprofit organization’s compensation arrangements, however, may be available if the nonprofit organization satisfied certain rules set out in Internal Revenue Service regulations with regard to its compensation decisions.

Each applicant nonprofit organization must state at the time of its application (in the "OJP Financial Management and System of Internal Controls Questionnaire" mentioned earlier) whether or not the applicant entity believes (or asserts) that it currently satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to establishing or invoking a rebuttable presumption of reasonableness of compensation of certain individuals and entities).

A nonprofit organization that states in the questionnaire that it believes (or asserts) that it has satisfied the requirements of 26 C.F.R. 53.4958-6 must then disclose, in an attachment to its application (to be titled "Disclosure of Process related to Executive Compensation"), the process used by the applicant nonprofit organization to determine the compensation of its officers, directors, trustees, and key employees (together, "covered persons").

At a minimum, the disclosure must describe in pertinent detail: (1) the composition of the body that reviews and approves compensation arrangements for covered persons; (2) the methods and practices used by the applicant nonprofit organization to ensure that no individual with a conflict of interest participates as a member of the body that reviews and approves a compensation arrangement for a covered person; (3) the appropriate data as to comparability of compensation that is obtained in advance and relied upon by the body that reviews and approves compensation arrangements for covered persons; and (4) the written or electronic records that the applicant organization maintains as concurrent documentation of the decisions with respect to compensation of covered persons made by the body that reviews and approves such compensation arrangements, including records of deliberations and of the basis for decisions.

For purposes of the required disclosure, the following terms and phrases have the meanings set out by the Internal Revenue Service for use in connection with 26 C.F.R. 53.4958-6: officers, directors, trustees, key employees, compensation, conflict

of interest, appropriate data as to comparability, adequate documentation, and concurrent documentation.

Applicant nonprofit organizations should note that following receipt of an appropriate request, OJP may be authorized or required by law to make information submitted to satisfy this requirement available for public inspection. Also, a recipient may be required to make a prompt supplemental disclosure after the award in certain circumstances (e.g., changes in the way the organization determines compensation).

### **c. Project Timeline and Task plan, Résumés, and Letters of Support**

Attach a project timeline and task plan with each category of task, expected completion date, and responsible person or organization and identify the percentage of time that will be dedicated by the individuals responsible for the tasks; résumés for key positions; and letters of support that outline the partners' responsibilities (if applicable).

#### **How to Apply**

Applicants must submit applications through the [Grants Management System \(GMS\)](#), which provides support for the application, award, and management of awards at OJP. Applicants **must register in GMS for each specific funding opportunity** and should **register immediately** to meet the GMS registration deadline for this funding opportunity. Find complete instructions on how to register and submit an application in GMS at [www.ojp.gov/gmscbt/](http://www.ojp.gov/gmscbt/). Applicants that experience technical difficulties during this process should email [GMS.HelpDesk@usdoj.gov](mailto:GMS.HelpDesk@usdoj.gov) or call 888-549-9901 (option 3), Monday – Friday from 6:00 a.m. to midnight, Eastern Time, except Federal holidays. OJP recommends that applicants **register immediately** to prevent delays in submitting an application package by the deadline.

**Note on File Types: GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

OJP may not make a federal award to an applicant organization until the applicant organization has complied with all applicable DUNS and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

**GMS does not accept executable file types as application attachments.** These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.” GMS may reject applications with files that use these extensions. It is important to allow time to change the type of file(s) if the application is rejected.

All applicants are required to complete the following steps:

Every applicant entity must comply with all applicable System for Award Management (SAM) and unique entity identifier (currently, a Data Universal Numbering System [DUNS] number) requirements. If an applicant entity has not fully complied with applicable SAM and unique

identifier requirements by the time OJP makes award decisions, OJP may determine that the applicant is not qualified to receive an award and may use that determination as a basis for making the award to a different applicant.

1. **Acquire a unique entity identifier (DUNS number).** In general, the Office of Management and Budget requires every applicant for a federal award (other than an individual) to include a "unique entity identifier" in each application, including an application for a supplemental award. Currently, a DUNS number is the required unique entity identifier.

A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants, recipients, and subrecipients. It will be used throughout the life cycle of an OJP award. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.

2. **Acquire registration with the System for Award Management (SAM).** SAM is the repository for certain standard information about federal financial assistance applicants, recipients, and subrecipients. All applicants for OJP awards (other than individuals) must maintain current registrations in the SAM database. Each applicant must **update or renew its SAM registration at least annually** to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

OJP recommends that the applicant register or renew registration with SAM as early as possible.

Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

1. **Acquire a GMS username and password.** New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the [GMS](http://www.gms.gov) home page. For more information on how to register in GMS, go to [www.ojp.usdoj.gov/gmscbt/](http://www.ojp.usdoj.gov/gmscbt/).
2. **Verify the SAM (formerly CCR) registration in GMS.** OJP requests that all applicants verify their SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.
3. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select BJA and BJA FY 17 JR Justice.
4. **Register by selecting the "Apply Online" button associated with the funding opportunity title.** The search results from step 5 will display the solicitation title along with the registration and application deadlines for this funding opportunity. Select the "Apply Online" button in the "Action" column to register for this solicitation and create an application in the system.
5. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval

before they can submit an application. OJP urges applicants to submit the application **at least 72 hours prior** to the due date of the application.

**Note: Application Versions**

If an applicant submits multiple versions of the same application, OJP will review only the most recent system-validated version submitted.

**Experiencing Unforeseen GMS Technical Issues**

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must contact the [GMS Help Desk](#) or the [SAM Help Desk](#) (Federal Service Desk) to report the technical issue and receive a tracking number. Then the applicant must email the BJA contact identified in the Contact Information section on page 1 **within 24 hours after the application deadline** and request approval to submit their application. The email must describe the technical difficulties and include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any GMS Help Desk or SAM tracking number(s).

**Note: OJP does not automatically approve requests to submit a late application.** After the program office reviews the submission, and contacts the GMS Help Desk to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant’s request to submit their application.

The following conditions generally are insufficient to justify late submissions:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete).
- Failure to follow GMS instructions on how to register and apply as posted on its website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant’s computer or information technology environment, such as issues with firewalls or browser incompatibility.

**E. Application Review Information**

**Review Process**

OJP is committed to ensuring a fair and open process for making awards. BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

Peer reviewers will review the applications submitted under this solicitation that meet basic minimum requirements. For purposes of assessing whether an application meets basic minimum requirements and should proceed to further consideration, OJP screens applications for compliance with those requirements. Although specific requirements may vary, the following are common requirements applicable to all solicitations for funding under OJP programs:

- The application must be submitted by an eligible type of applicant

- The application must request funding within programmatic funding constraints (if applicable)
- The application must be responsive to the scope of the solicitation
- The application must include all items designated as “critical elements”
- The applicant must not be identified in SAM as excluded from receiving federal awards

For a list of the critical elements for this solicitation, see “What an Application Should Include” under [Section D. Application and Submission Information](#).

Peer review panels will evaluate, score, and rate applications that meet basic minimum requirements. BJA may use internal peer reviewers, external peer reviewers, or a combination, to assess applications on technical merit using the solicitation’s review criteria. An external peer reviewer is an expert in the subject matter of a given solicitation who is not a current DOJ employee. An internal reviewer is a current DOJ employee who is well-versed or has expertise in the subject matter of this solicitation. Peer reviewers’ ratings and any resulting recommendations are advisory only, although reviewer views are considered carefully. Other important considerations for OJP include underserved populations, geographic diversity, strategic priorities, and available funding, as well as the extent to which the Budget Detail Worksheet and budget narrative accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information related to the degree of risk posed by applicants. Among other things to help assess whether an applicant that has one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award. If OJP anticipates that an award will exceed \$150,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System; "FAPIIS").

**Important note on FAPIIS:** An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by applicants.

The evaluation of risks goes beyond information in SAM, however. OJP itself has in place a framework for evaluating risks posed by applicants for competitive awards. OJP takes into account information pertinent to matters such as:

1. Applicant financial stability and fiscal integrity.
2. Quality of the management systems of the applicant, and the applicant’s ability to meet prescribed management standards, including those outlined in the DOJ Grants Financial Guide.
3. Applicant’s history of performance under OJP and other DOJ awards (including compliance with reporting requirements and award conditions), as well as awards from other federal agencies.
4. Reports and findings from audits of the applicant, including audits under the Part 200 Uniform Requirements.

5. Applicant's ability to comply with statutory and regulatory requirements, and to effectively implement other award requirements.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and BJA recommendations, but also other factors as indicated in this section.

## **F. Federal Award Administration Information**

### **Federal Award Notices**

Award notifications will be made by September 30, 2017. OJP sends award notifications by email through GMS to the individuals listed in the application as the point of contact and the authorizing official (E-Biz POC and AOR). The email notification includes detailed instructions on how to access and view the award documents, and steps to take in GMS to start the award acceptance process. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date.

For each successful applicant, an individual with the necessary authority to bind the applicant will be required to log in; execute a set of legal certifications and a set of legal assurances; designate a financial point of contact; thoroughly review the award, including all award conditions; and sign and accept the award. The award acceptance process requires physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

### **Administrative, National Policy, and Other Legal Requirements**

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, as well as all applicable requirements of federal statutes, regulations, and executive orders (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

Applicants should consult the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)," available in the [OJP Funding Resource Center](#). In addition, applicants should examine the following two legal documents, as each successful applicant must execute both documents before it may receive any award funds.

- [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#)
- [Standard Assurances](#)

Applicants may view these documents in the Apply section of the [OJP Funding Resource Center](#).

The web pages accessible through the "[Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2017 Awards](#)" are intended to give applicants

for OJP awards a general overview of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants and cooperative agreements awarded in FY 2017. Individual OJP awards typically also will include additional award conditions. Those additional conditions may relate to the particular statute or program, or solicitation under which the award is made; to the substance of the funded application; to the recipient's performance under other federal awards; to the recipient's legal status (e.g., as a for-profit entity); or to other pertinent considerations.

### **General Information about Post-Federal Award Reporting Requirements**

In addition to the deliverables described in [Section A. Program Description](#), any recipient of an award under this solicitation will be required to submit the following reports and data.

Required reports. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

Awards that exceed \$500,000 will include an additional condition that, under specific circumstances, will require the recipient to report (to FAPIIS) information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either the OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Additional information on this reporting requirement appears in the text of the award condition posted on the OJP website at <http://ojp.gov/funding/FAPIIS.htm>.

Data on performance measures. In addition to required reports, an award recipient also must provide data that measure the results of the work done under the award. To demonstrate program progress and success, as well as to assist DOJ in fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, OJP will require any recipient, post award, to provide the data listed as "Data Recipient Provides" in the performance measures table in [Section D. Application and Submission Information](#), under "Program Narrative," so that OJP can calculate values for this solicitation's performance measures.

## **G. Federal Awarding Agency Contact(s)**

For OJP contact(s), see the title page.

For contact information for Grants.gov, see the title page.

## **H. Other Information**

### **Freedom of Information Act and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)**

All applications submitted to OJP (including all attachments to applications) are subject to the federal Freedom of Information Act (FOIA) and to the Privacy Act. By law, DOJ may withhold information that is responsive to a request pursuant to FOIA if DOJ determines that the

responsive information either is protected under the Privacy Act or falls within the scope of one of nine statutory exemptions under FOIA. DOJ cannot agree in advance of a request pursuant to FOIA not to release some or all portions of an application.

In its review of records that are responsive to a FOIA request, OJP will withhold information in those records that plainly fall within the scope of the Privacy Act or one of the statutory exemptions under FOIA. (Some examples include certain types of information in budgets, and names and contact information for project staff other than certain key personnel.) In appropriate circumstances, OJP will request the views of the applicant/recipient that submitted a responsive document.

For example, if OJP receives a request pursuant to FOIA for an application submitted by a nonprofit or for-profit organization or an institution of higher education, or for an application that involves research, OJP typically will contact the applicant/recipient that submitted the application and ask it to identify – quite precisely – any particular information in the application that the applicant/recipient believes falls under a FOIA exemption, the specific exemption it believes applies, and why. After considering the submission by the applicant/recipient, OJP makes an independent assessment regarding withholding information. OJP generally follows a similar process for requests pursuant to FOIA for applications that may contain law-enforcement sensitive information.

#### **Provide Feedback to OJP**

To assist OJP in improving its application and award processes, OJP encourages applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to [OJPSolicitationFeedback@usdoj.gov](mailto:OJPSolicitationFeedback@usdoj.gov).

**IMPORTANT:** This email is for feedback and suggestions only. OJP does **not** reply from this mailbox to messages it receives in this mailbox. Any prospective applicant that has specific questions on any program or technical aspect of the solicitation **must** use the appropriate telephone number or email listed on the front of this document to obtain information. These contacts are provided to help ensure that prospective applicants can directly reach an individual who can address specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your résumé to [ojppeerreview@lmsolas.com](mailto:ojppeerreview@lmsolas.com). (Do not send your résumé to the OJP Solicitation Feedback email account.) **Note:** Neither you nor anyone else from your organization or entity can be a peer reviewer in a competition in which you or your organization/entity has submitted an application.

# Application Checklist

## John R. Justice FY 2017 Competitive Application

This application checklist has been created to assist in developing an application.

**Eligibility Requirement:** Eligible applicants are the agencies designated by the governor of the state or territory (or the mayor of Washington, D.C.) as the JRJ agency for each of the 50 states, five territories, and the District of Columbia. BJA will award funds to serve eligible recipients working within the state's, territory's, or District's jurisdiction.

### What an Application Should Include:

_____ Application for Federal Assistance (SF-424)	(See page 7)
_____ Project Abstract	(See page 8)
_____ Program Narrative	(See pages 8)
_____ Governor Designated Agency Letter	(See page 9)
_____ Budget Detail Worksheet	(See pages 15)
_____ Budget Narrative	(See pages 15)
_____ Indirect Cost Rate Agreement ( <i>if applicable</i> )	(See page 17)
_____ Financial Management and System of Internal Controls Questionnaire	(see page 18)
_____ Disclosure of Lobbying Activities (SF-LLL)	(see page 18)
_____ Additional Attachments	
_____ Applicant Disclosure of Pending Applications	(See page 19)
_____ Disclosure of Process Related to Executive Compensation	(see page 20)
_____ Request and Justification for Employee Compensation; Waiver (if applicable)	(see page 20)

## Appendix A

### Guidance on State Implementation of the JRJ Program

The JRJ administering agency shall conduct outreach and education and begin or continue soliciting applications from eligible beneficiaries. States and territories are encouraged to design their JRJ Grant Program based on their experience in administering the program in previous years, along with similar state-run programs, and should consider the purpose of the Act in the planning and implementation process.

#### I. JRJ Administering Agency Program Model Considerations

In developing criteria and formulating a plan for the administration of a state-administered JRJ program, JRJ agencies are strongly encouraged to consider replicating the methodology of existing, analogous loan repayment programs in their respective states. The methodology must be consistent with the requirements of this solicitation, but it is anticipated that the expertise derived from previous administration of a state program will be useful in the administration of this program. In order to provide for the equitable distribution of funds, any award selection committees must be composed of an equal number of prosecutors and public defenders. For federal defender applicants, the state in which the attorney practices is the appropriate state in which to apply for an award. (Federal prosecutors are not eligible under the JRJ statute, though other similar funding opportunities may exist from other, non-OJP sources).

JRJ agencies should continue to govern their program in one of the following manners:

- Applicants apply directly to the governor-designated JRJ administering agency, which decides (based on the programmatic criteria set forth herein) which applicants should receive funding; or
- A governor-designated JRJ administering agency, maintaining centralized control of funding and eligibility determinations: (1) develops a basis for the fair distribution of funding to state prosecutor and defender offices throughout the state; (2) coordinates the solicitation of applications by those offices and (3) collects nominations from those offices of persons within their employment who are recommended to the JRJ administering agency for consideration for awards (based upon the programmatic criteria set forth herein).

Regardless of the model ultimately selected, all final JRJ beneficiary selection decisions will be made by the governor-designated JRJ administering agency.

When developing a program model, JRJ agencies must ensure that funding for loan repayment is allocated equally between prosecutors and public defenders. To comply with this requirement, a JRJ agency must demonstrate that the total amount of loan repayment funding awarded to eligible prosecutors is equal to the total amount awarded to eligible public defenders. This equal allocation requirement applies only to the total amounts repaid on behalf of the two categories of eligible beneficiaries. States are not required to make an equal number of awards to eligible beneficiaries of each category. For example, if a gross sum of \$50,000 is awarded to prosecutors, a gross sum of \$50,000 must also be awarded to public defenders. While not required, states are encouraged to also strive for an equal number of awards between

prosecutors and defenders; however, it is recognized that various factors may affect the ability of a state to achieve 100 percent equality in the number of repayment distributions.

If a JRJ administering agency demonstrates good cause, a waiver of the equal allocation requirement may be granted, but only at the discretion of the BJA Director. The waiver request must be submitted to BJA in writing, at the time of application and prior to any funding commitments. In order to demonstrate “good cause,” an application for such a waiver must, at a minimum, include documentation of the JRJ agency’s efforts to comply with the equal distribution requirement (including outreach efforts) and state the reasons for its inability to comply. In the event that a waiver is granted, the equal allocation requirement shall be suspended and a JRJ agency shall be permitted to make a disproportionate funding distribution to prosecutors and public defenders. Such a waiver shall pertain only to the fiscal year in which it is granted and shall not, under any circumstances, be construed as a waiver of any other requirement of this program.

## **II. Factors to Consider in Assessing Eligible Beneficiaries**

### **Eligible Beneficiaries**

The purpose of this program is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. JRJ agencies must give top consideration to those eligible beneficiaries who have the least ability to repay their loans, and to those who have received JRJ benefits in the prior fiscal year (and have less than three years remaining on their JRJSLRP Service Agreement). Individuals are permitted to apply for JRJ funding only from the state where they are employed. The JRJ agency must accept applications from federal defenders who practice in that state, regardless of where the applicant is licensed to practice law.

For purposes of this program, the following persons shall be considered eligible:

**Prosecutor**—full-time employee of a state or unit of local government (including tribal government) who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or unit of local government level (including supervision, education, or training of other persons prosecuting such cases). 42 U.S.C. §3797cc-21(b)(1). Prosecutors who are employees of the federal government are not eligible.

**Public Defender**—an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government (including tribal government) who provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; is a full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to Subsection (g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases. 42 U.S.C. §3797cc-21(b)(2).

Full-time employment is considered “not less than 75 percent of a 40 hour work week” for the purpose of this solicitation.

**NOTE:** Attorneys who are in private practice and not a full-time employee of a nonprofit organization, even if individually or part of a firm that is under contract with a state or court-appointed to provide public defense services, do not qualify as “public defenders” and therefore are not considered to be eligible as beneficiaries under this solicitation.

BJA, in its discretion, has determined that policy and ethical considerations preclude elected officials from being eligible. This prohibition does not extend to persons who hold elected offices other than as a prosecutor or public defender (e.g., city council member status unrelated to prosecutor/public defender position), provided: (1) a reasonable person could conclude that the individual’s elected status did not form a basis for their selection for JRJ benefits; (2) that the person did not use their office to influence a decision pertaining to the application; and (3) that the person’s obligations to his/her elected office do not interfere with the fulfillment of the JRJ service obligation.

JRJ agencies are encouraged to use their expertise and discretion in identifying factors to be considered in the evaluation of applicant beneficiaries. In addition to the requirement of giving consideration to an applicant’s ability to repay his/her student loan obligations, the JRJ administering agency may wish to consider the following additional factors:

- Salary cap for initial applicants.
- Distribution of awards to ensure a range of geographic and demographic representatives (i.e., distribution amongst all quadrants of a state and between rural and urban areas).
- Assistance from other sources.
- Amount of total qualifying loan debt.
- Amount of the repayment benefit (statutorily limited to \$10,000 per beneficiary in a calendar year/\$60,000 aggregate per beneficiary).
- Consideration of academic achievement (e.g., class rank, GPA, academic honors).
- Meritorious service (e.g., high mark job evaluations).

JRJ administering agencies may accord each factor a different weight when selecting eligible beneficiaries, but should ensure that such weighing of factors does not disproportionately favor one group of eligible beneficiaries.

JRJ administering agencies must keep on record, available for audit and, if necessary, collection purposes, any record relied upon by the JRJ agency to support its funding decisions, including:

- (1) Applications received.
- (2) Income, debt, and loan data provided as part of each such application.
- (3) Documentation of outreach efforts implemented to distribute funding amongst a wide range of employing agencies within the state.
- (4) Documentation of decisional processes in the evaluation of an individual’s ability to repay his/her loan obligations.
- (5) Documentation of decisional processes in the evaluation of an individual’s meritorious service (including military service) (if applicable).
- (6) Proof of an individual’s eligibility under the statutory definitions of “prosecutor” or “public defender.”

(7) Proof of an individual's debt obligations under a "qualifying loan."

BJA maintains the right to request from the JRJ administering agency any other records that are reasonably required to determine compliance with statutory obligations, and the JRJ agency, in receiving funds, will agree to cooperate to the fullest extent possible in producing all such records.

Additionally, once an eligible applicant is approved for JRJ student loan repayment, according to statute, the beneficiary should be given priority consideration to receive funding during the second and third years of the 3-year service agreement, pending the availability of funds. Renewal is not automatic and nothing shall obligate the state to renew a benefit in the same (or greater) amount previously received by a beneficiary. Beneficiaries should consult their state guidance and follow any renewal request process established therein. States may consider developing separate renewal forms. Priority consideration granted in the second and third year of an initial JRJSLRP Service Agreement obligation will ordinarily satisfy the priority consideration requirement. Priority consideration beyond the third year is not required.

A lateral move, provided the beneficiary maintains his/her status as an eligible beneficiary (as defined above), should not affect renewal eligibility during the course of an existing service obligation, unless the availability of funds and/or the beneficiary's eligibility status is otherwise compromised by the beneficiary changing his/her employment to a state other than the state from which the benefit was paid on his/her behalf. Note, however, that a person who is initially eligible, but changes his/her employment to a position that renders him/her ineligible (e.g., a transfer from a state public defender office to a private firm contracted by the state to provide public defense services) will lose their status as an "eligible beneficiary."

### **III. Factors to Consider in Assessing Eligible Student Loans**

Loans eligible for repayment are defined as, and limited to, the following:

#### **Student Loan:**

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program);
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans);
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 (Federal consolidation loans and Federal Direct Consolidation loans, respectively).

#### **Ineligible Loans**

The term "student loan" does not include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2).
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 428C or 455 (g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 (Federal consolidation loans) and 1087e(g) (Federal Direct Consolidation loans) to the extent that such loan was used to repay a loan described in clause (1) or (2).

As a condition precedent to the payment of any benefit under this program, all selected beneficiaries must sign the “Service Agreement” included as part of this solicitation as Appendix B. Appendix B is an agreement between the eligible beneficiaries selected by the JRJ agency and DOJ, and as such, may not be modified by the JRJ agency or anyone else without the express written authorization of the BJA Director, and DOJ (through BJA) will not accept or consider variances of the terms or form of Appendix B. The JRJ agency must provide a copy of the properly executed original service agreement and any subsequent service agreements to BJA for each JRJ Student Loan Repayment Program beneficiary. Upon completion of the original 3-year service obligation, subsequent agreements may be entered into for additional obligations of service in consideration for future grant awards. The terms of additional service obligations are addressed in Appendix C (JRJSLRP Service Agreement – Secondary Term of Service). The Appendix C form should be exclusively used by the state JRJ administering agencies in situations under which the selected beneficiary has both: a) successfully completed his/her initial 3-year term of service obligation, and b) been selected to have additional JRJ benefits paid on his/her behalf. See BJA-promulgated JRJ Grant Program FAQs for further information.

Through the first three years of the program, JRJ beneficiaries had been subject only to one JRJSLRP Service Agreement, executed at the time that the JRJ beneficiary first entered into the JRJ program. BJA is aware that, in certain cases, some JRJ beneficiaries have been asked to, and have subsequently signed, additional JRJSLRP Service Agreements even though the date of such execution occurred within the original 3-year term of the JRJ beneficiary’s obligation of service. Such subsequent “agreements” should not be understood to extend the original term of the service obligation, but rather serve as a reaffirmation and acknowledgement of the original signed agreement and its terms and conditions. Beginning in fiscal year 2013, any JRJ beneficiary who enters into a JRJSLRP Service Agreement – Secondary Term of Service (i.e., an additional year or years of service after the original 3-year term has been satisfied), however, will agree to extend the beneficiary’s term of service obligation by the period of time expressed therein, in exchange for the receipt of additional JRJ benefits. State JRJ agencies should immediately cease the practice of having JRJ beneficiaries execute additional JRJSLRP Agreements during the second and third year of a JRJ beneficiary’s original Service Agreement, and instead have the beneficiary execute the JRJSLRP Acknowledgment of Benefit form (see Appendix D) on an annual basis during the course of the beneficiary’s original Service Agreement.

Grant funds received by any agency designated by the governor (or mayor in the case of D.C.) can only be paid to the institution holding the qualifying loan. In accordance with 42 U.S.C. § 3797cc-21(c), no funds may be paid directly to the beneficiary. Payments made on behalf of approved beneficiaries cannot exceed the total qualifying loan balance. The beneficiary remains responsible for any remaining payments or balances. Neither DOJ nor the state will be held responsible for any late fees assessed by the lending institution. The amount paid by any state shall not exceed \$10,000 for any individual in any calendar year or an aggregate total of \$60,000 in the case of any individual. The JRJ administering agency determines award payment amounts and payment dates in accordance with their programmatic needs, this solicitation, and the legislative authority. Within the parameters of this solicitation, JRJ agencies are encouraged to maximize the number of beneficiaries who receive program benefits. It is left within the discretion of the JRJ administering agency to determine the number and amount of payments(s) made to the lending institutions on behalf of each beneficiary.

## Disqualifying Conditions

An attorney must not be in default on repayment of any federal student loans. States may use discretion in applying other considerations for beneficiary continuation in the program, such as merit, etc.; however, states must ensure that any such considerations do not disproportionately affect one type of beneficiary (i.e., prosecutors versus public defenders) over another.

## Coordination with other Repayment Programs

While BJA encourages agencies that administer JRJ Grant Programs to publicize the availability of the Income-Based Repayment (IBR) plan, Public Service Loan Forgiveness (PSLF), and other available loan repayment assistance programs (LRAPs) that may apply, BJA also encourages JRJ administering agencies to coordinate the interplay between such programs to promote the optimum benefit to the recipient when at all possible. The following articulates how lump sum payments and monthly payments of JRJ benefits may interplay with the PSLF program and how to improve the coordination between the two programs.

To be eligible for the PSLF program, a borrower must make 120 “separate, monthly” payments. When a loan servicer receives a lump sum payment – which is to say, a payment in excess of what the borrower is obligated to pay for the month – the loan servicer assumes that the excess, while immediately applied to reduce outstanding interest and principal on the loan, is intended to cover future installments. When future installments are satisfied, the borrower is no longer obligated to make monthly payments for the number of months for which the installment has been fully satisfied. This presents two problems for PSLF.

- The first is that the lump sum payment, while satisfying more than one month’s payment obligation, is not a “separate payment.” Therefore, it can only count as one PSLF payment.
- The second problem is that, by removing the borrower’s obligation to make future monthly payments, the borrower cannot, for those months, make a “monthly payment” in some cases – even if the borrower voluntarily remits money.

The second problem can be remedied by providing payment instructions with the payment. Specifically, the payor/borrower should state that the excess is not intended to cover future installments, which will ensure that the borrower continues to be obligated to make future payments over subsequent months. Each loan servicer provides, on the billing statement, information regarding how the borrower/payor must provide payment instructions. Therefore, JRJ recipients should be advised, to maximize the amount of credit they may receive from PSLF program while working in employment that also entitles them to JRJ program benefits, to provide special payment instructions associated with their JRJ program award. Borrowers should also be able to provide these instructions for a payment that has already been applied, provided that it is done promptly after the payment is applied.

## Appendix B

**Note to JRJ State Administering Agencies: the following form should be used only in cases wherein a JRJ program applicant has been selected to participate for the first time.**

### John R. Justice Student Loan Repayment Program (JRJSLRP) Service Agreement

NAME: \_\_\_\_\_

In consideration of the student loan repayment incentive for which I have been offered under 42 U.S.C. §3797cc-21, I hereby agree as follows:

1. I will remain employed as a prosecutor or public defender for a period of service of not less than three years (36 months) unless involuntarily separated from my employment.

In accordance with 42 U.S.C. §3797cc-21(b)(1), the term “prosecutor” is understood to mean a full-time employee of a State or unit of local government who—

- (A) is continually licensed to practice law; and
- (B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

In accordance with 42 U.S.C. §3797cc-21(b)(2), the term “public defender” is understood to mean an attorney who—

- (A) is continually licensed to practice law; and
- (B) is—
  - (i) a full-time employee of a State or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);
  - (ii) a full-time employee of a nonprofit organization operating under contract with a State or unit of local government, who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or
  - (iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to section 3006A of Title 18, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

2. I understand that JRJSLRP funds are a supplement to, not a substitute for, my personal student loan obligations. I understand that amounts to be paid on my behalf are subject to the availability of funds and my continued eligibility. I understand that if I do not remain eligible, then further loan repayment benefits may be denied although the service obligation will remain in force. I understand that the award of JRJSLRP in any fiscal year does not guarantee benefits in future fiscal years, and that awards are subject to the availability of appropriations. I understand that any loan repayments made on my behalf may be taxable and subject to withholding.

3. I authorize the Department of Justice and/or the designated JRJSLRP State administrative agency, to verify the status, payment history, and outstanding balance of each qualifying loan, and to discuss the terms with the lender or note holder, or predecessors or successors in interest.

The term "qualifying loan" is understood to have the same meaning as "student loan" in 42 U.S.C. §3797cc-21(b)(3):

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20;
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20; and
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20.

Further, the term "qualifying loan" is expressly understood not to include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 1078-2 of Title 20.
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 to the extent that such loan was used to repay a loan described in sub. (1) or (2) above.

4. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of any transfer to a new position or employing agency, identifying myself as a JRJSLRP beneficiary.
5. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my intention to voluntarily separate, resign, or retire from my position as an eligible beneficiary before completing my service obligation under paragraph 1 above.
6. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my status in default of any loan obligation with respect to a qualifying "student loan," as defined in 42 U.S.C. §3797cc-21(b)(3)(A).
7. In the event I voluntarily leave my position as an eligible beneficiary, or in the event I am involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, I will be indebted to the Federal government and must reimburse the Department of Justice for the full amount of any student loan repayments made on my behalf under this service agreement. I further acknowledge that a sum equal to the amount that I am required to repay shall be recoverable by the Federal government from me (or my estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal government.
8. I understand and affirm that I remain responsible for making regular student loan payments, that such responsibility is not abated by selection for participation in the JRJSLRP, and that I am required to continue to make personal payments toward my qualifying loans to remain eligible for the JRJSLRP in the future. I understand that JRJSLRP payments will be made directly to the holder of my qualifying loan(s) and that I will not be the direct recipient of any such funds.
9. Loan repayments made on my behalf pursuant to this agreement do not exempt me from responsibility and/or liability for the full amount of any loan in which I am the debtor.

10. I am responsible for any income tax obligation resulting from the student loan repayments made on my behalf.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies (SAAs) in determining tax consequences of JRJ benefits. The IRS provided a response to that request and a copy of both the inquiry and response are available on our website at:*

[www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).

11. I understand that, by law, repayment benefits made on my behalf cannot exceed \$10,000 in any calendar year or an aggregate total of \$60,000. This limitation should not, under any circumstances, be construed as an obligation of said benefits. This agreement may be modified by the parties, subject to the limitations of 42 U.S.C. §§ 3797cc-21(d) and (e), to provide additional student loan repayment benefits without the need for an entirely new agreement. Such modifications include, but are not limited to, the possibility of payment increases, or the extension of benefits beyond the initial 3-year service obligation, in consideration for additional service commitment by the beneficiary, based upon terms to be determined by the parties.
12. Periods of leave without pay, or other periods during which I am not in a pay status, do not count toward the completion of the required service period upon reemployment. The service completion date must be extended by the total time spent in non-pay status. However, absence because of uniformed service in a recognized branch of the United States military, authorized maternity/paternity, FMLA, or due to compensable injury is considered creditable (within the sole discretion of the Director of BJA) toward the required service period upon reemployment.
13. This agreement is null and void if I am not selected for JRJSLRP in the year I sign and date this agreement.

Privacy Act Notification: This information is provided pursuant to the Privacy Act of 1974 (Public Law 94-579), as amended, for individuals supplying information for inclusion in a system of records. The authority for the collection of this information is 42 U.S.C. §3797cc-21. The purpose of the John R. Justice Loan Repayment for Prosecutors and Public Defenders statute is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. This Agreement and related data are made part of the file to be used within the Department of Justice for record-keeping and management while participating in the John R. Justice Loan Repayment program. The information also may be disclosed outside the Department, as permitted by the Privacy Act and Freedom of Information Act, to the Congress, the Internal Revenue Service, and pursuant to court order. You are asked to provide your Social Security Number. Please note that if you do not provide this information, and you are selected to participate in the John R. Justice Loan Repayment program, your Social Security Number will

be required later to enable the Department to verify your eligibility status. Failure to submit this information will render this Agreement incomplete and you will be considered ineligible to participate in the program.

I, \_\_\_\_\_, agree to the terms of this Service Agreement.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

## Appendix C

**Note to JRJ State Administering Agencies: the following form should be used only in cases wherein a previously selected JRJ beneficiary has fulfilled his/her initial 3-year service obligation, has been selected again by the JRJ State Administering Agency to receive additional JRJ benefits and has agreed to commit to an additional 1 year of service obligation in exchange for those additional benefits.**

**U.S. Department of Justice  
John R. Justice Student Loan Repayment Program (JRJSLRP)  
Service Agreement – Secondary Term of Service**

NAME: \_\_\_\_\_

In consideration of the student loan repayment incentive for which I may qualify under 42 U.S.C. §3797cc-21, such incentive having been offered above and beyond the incentive(s) from which I have already benefitted from in exchange for a term of service that I have fulfilled, I hereby agree as follows:

1. I will remain employed as a prosecutor or public defender for a period of service of not less than one year (12 months), unless involuntarily separated from my employment.

In accordance with 42 U.S.C. §3797cc-21(b)(1), the term “prosecutor” is understood to mean a full-time employee of a State or unit of local government who—

- (A) is continually licensed to practice law; and
- (B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

In accordance with 42 U.S.C. §3797cc-21(b)(2), the term “public defender” is understood to mean an attorney who—

- (A) is continually licensed to practice law; and
- (B) is—
  - (i) a full-time employee of a State or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);
  - (ii) a full-time employee of a nonprofit organization operating under contract with a State or unit of local government, who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or
  - (iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to section 3006A of Title 18, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

2. I understand that JRJSLRP funds are a supplement to, not a substitute for, my personal student loan obligations. I understand that amounts to be paid on my behalf are subject to the availability of funds and my continued eligibility. I understand that if I do not remain eligible, then further loan repayment benefits may be denied although the service

obligation will remain in force. I understand that the award of JRJSLRP in any fiscal year does not guarantee benefits in future fiscal years. I understand that any loan repayments made on my behalf may be taxable and subject to withholding.

3. I authorize the Department of Justice and/or the designated JRJSLRP State administrative agency to verify the status, payment history, and outstanding balance of each qualifying loan, and to discuss the terms with the lender or note holder, or predecessors or successors in interest.

The term "qualifying loan" is understood to have the same meaning as "student loan" in 42 U.S.C. §3797cc-21(b)(3):

- (1) A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20;
- (2) A loan made under part C or D of subchapter IV of chapter 28 of Title 20; and
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20.

Further, the term "qualifying loan" is expressly understood not to include any of the following loans:

- (1) A loan made to the parents of a dependent student under section 1078-2 of Title 20.
- (2) A Federal Direct PLUS Loan made to the parents of a dependent student.
- (3) A loan made under section 1078-3 or 1087e(g) of Title 20 to the extent that such loan was used to repay a loan described in sub. (1) or (2) above.

4. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of any transfer to a new position or employing agency, identifying myself as a JRJSLRP beneficiary.
5. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my intention to voluntarily separate, resign, or retire from my position as an eligible beneficiary before completing my service obligation under paragraph 1 above.
6. I will notify the designated JRJSLRP State administrative agency, without delay, in writing, of my status in default of any loan obligation with respect to a qualifying "student loan," as defined in 42 U.S.C. §3797cc-21(b)(3)(A).
7. In the event I voluntarily leave my position as an eligible beneficiary, or in the event I am involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, I will be indebted to the Federal government and must reimburse the Department of Justice for the full amount of any student loan repayments made on my behalf under this service agreement, to include any collection fees associated therewith. I further acknowledge that any said sum shall be recoverable by the Federal government from me (or my estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal government.
8. I understand and affirm that I remain responsible for making regular student loan payments, that such responsibility is not abated by selection for participation in the JRJSLRP, and that I am required to continue to make personal payments toward my qualifying loans to remain eligible for the JRJSLRP in the future. I understand that JRJSLRP payments will be made directly to the holder of my qualifying loan(s) and that I will not be the direct recipient of any such funds.

9. Loan repayments made on my behalf pursuant to this agreement do not exempt me from responsibility and/or liability for the full amount of any loan in which I am the debtor.
10. I am responsible for any income tax obligation resulting from the student loan repayments made on my behalf.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies (SAAs) in determining tax consequences of JRJ benefits. The IRS provided a response to that request and a copy of both the inquiry and response are available on our website at:*

*[www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).*

11. I understand that, by law, repayment benefits made on my behalf cannot exceed \$10,000 in any calendar year or an aggregate total of \$60,000. This limitation should not, under any circumstances, be construed as an obligation of said benefits. This agreement may be modified by the parties, subject to the limitations of 42 U.S.C. §3797cc-21(d) and (e), to provide additional loan repayment benefits without the need for an entirely new agreement. Such modifications include, but are not limited to, the possibility of payment increases, or the extension of benefits beyond the initial 3-year service obligation, in consideration for additional service commitment by the beneficiary, based upon terms to be determined by the parties.
12. Periods of leave without pay, or other periods during which I am not in a pay status, do not count toward the completion of the required service period upon reemployment. The service completion date must be extended by the total time spent in non-pay status. However, absence because of uniformed service in a recognized branch of the United States military, authorized maternity/paternity, FMLA, or due to compensable injury is considered creditable (within the sole discretion of the Director of BJA) toward the required service period upon reemployment.
13. This agreement is null and void if I am not selected for JRJSLRP in the year I sign and date this agreement.
14. Privacy Act Notification: This information is provided pursuant to the Privacy Act of 1974 (Public Law No. 94-579), as amended, for individuals supplying information for inclusion in a system of records. The authority for the collection of this information is 42 U.S.C. §3797cc-21. The purpose of the John R. Justice Loan Repayment for Prosecutors and Public Defenders statute is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. This Agreement and related data are made part of the file to be used within the Department of Justice for record-keeping and management while participating in the John R. Justice Student Loan Repayment program. The information also may be disclosed outside the Department, as permitted

by the Privacy Act and Freedom of Information Act, to the Congress, the Internal Revenue Service, and pursuant to court order. You are asked to provide your Social Security Number. Please note that if you do not provide the information, and you are selected to participate in the John R. Justice Student Loan Repayment program, your Social Security Number will be required later to enable the Department to verify your eligibility status. Failure to submit this information will render this Agreement incomplete and you be considered ineligible to participate in the program.

I, \_\_\_\_\_, agree to the terms of this Service Agreement.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

## Appendix D

**Note to JRJ State Administering Agencies: the following form should be used only in cases where a current JRJ beneficiary has not yet fulfilled his/her initial 3-year service obligation, but remains eligible for JRJ benefits. Upon fulfilling his/her initial 3-year service obligation, the JRJ beneficiary may exit the program or, if selected to receive additional JRJ benefits, should execute the JRJSLRP – Secondary Term of Service document (see Appendix C above).**

**John R. Justice Student Loan Repayment Program (JRJSLRP)  
Service Agreement  
Acknowledgment of Benefit**

I, \_\_\_\_\_, hereby acknowledge the following:  
NAME

1. I have personally executed a JRJSLRP Service Agreement and the term of obligated public service thereunder (as designated in said Service Agreement) has not yet expired as of the date of execution hereunder.
2. Additional JRJSLRP benefit payments have been made on my behalf during the fiscal year in which this document is executed.
3. I remain bound by the terms of my JRJSLRP Service Agreement.
4. At the expiration of my term of obligated public service (as designated in the JRJSLRP Service Agreement to which I am currently subject), I may enter into a separate agreement that will govern the terms and conditions of the receipt of any additional JRJSLRP benefits received on my behalf outside the terms and conditions of the JRJSLRP Service Agreement to which I am now subject.

***The Bureau of Justice Assistance does not provide legal advice on possible tax obligations resulting from receipt of JRJ benefits. The following is provided for informational purposes only. Beneficiaries of JRJ Student Loan Repayment Program benefits remain personally responsible for, and should consult with their tax advisors for advice on, any tax obligations resulting from benefits paid on their behalf.***

*As a courtesy to JRJ beneficiaries and state administering agencies, BJA has requested information from the Internal Revenue Service (IRS) that may be helpful to beneficiaries and JRJ state administering agencies in determining tax consequences of JRJ benefits. The IRS provided a response to that request and a copy of both the inquiry and response are available on our website at: [www.bja.gov/ProgramDetails.aspx?Program\\_ID=65](http://www.bja.gov/ProgramDetails.aspx?Program_ID=65).*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE